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NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERSOFFICE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY BOARD OF CHIROPRACTIC EXAMINERS
DOCKET NO.IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OFJoseph P. Sasso, D.C.
License No. MC002704TO PRACTICE CHIROPRACTIC IN THE
STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened before the New Jersey State Board of Chiropractic Examiners (hereinafter "the Board"), upon the Board's receipt of complaints from two female patients of Dr. Sasso (hereinafter "Respondant") regarding improper sexual conduct towards them. Respondant appeared with counsel, Steven Sasso, Esq., of the law firm of Russo, Foster, Sasso and Ford, before the Preliminary Investigation Committee of the Board (hereinafter "the Committee") on January 7, 1993. At that time,

Respondant brought the records of the two complaining patients, K.M. and D.B., before the Committee at the request of the Board.

In addition, the patient K.M. and her mother appeared before the Committee on May 13, 1993. The Board also reviewed the transcript of the Municipal Court hearing on October 21, 1991, at which the Court heard testimony and adjudicated K.M.'s charge of the disorderly persons offense of harassment by offensively touching and making vulgar remarks in a manner likely

to cause annoyance and alarm; the touching and remarks were of a sexual nature. The conduct occurred on August 14, 1991. The municipal court entered a judgment of acquittal, finding, inter alia, that K.M.'s charges had not been proven beyond a reasonable doubt.

The Board also considered the sworn affidavits of D.B. and of her mother. The incidents involving D.B. occurred on June 18, 1992. During an office visit, Respondent commented upon D.B.'s underwear and made suggestive comments about her body.

The parties being desirous of taking an interim step prior to resolving this matter, and without the Board being precluded in any way from taking any further action it may deem necessary pursuant to its statutory authority to protect the public health, safety, and welfare, and without Respondent acknowledging any violation of law, and it further appearing that Respondent has read the terms of this Order, understands their meaning, and consents to be bound by same, and it further appearing that the Board finds that the within Order, as an interim step, is adequately protective of the public health, safety and welfare, and it further appearing that good cause exists for the entry of the within Order:

IT IS ON THIS 29th DAY OF October, 1993
ORDERED:

1. Respondent shall not render any chiropractic or other health care to any female patient unless there is present within the same room where the chiropractic or other health care

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is being rendered a third party female observer who shall be present at all times during diagnostic examination, treatment or any other type of health care provided by Respondent. The third party female observer shall be a person chosen by the Board and Respondent, but shall be subject to the approval of the Board. She shall meet with the Board or a member or members designated by the Board, and shall be advised of the reason why her presence is required. She shall report in writing and under oath to the Board as to her observations of Dr. Sasso's practice at intervals to be determined by the Board.

2. Respondent shall immediately submit to a psychiatric or psychological evaluation by a mental health care practitioner, chosen by and subject to the approval of the Board at the expense of Respondent. The report of the evaluation shall be rendered to the Board within 45 days of the date of this Consent Order. The examination shall take place within 30 days of the date of this Order. Respondent shall immediately advise the Executive Director of the Board of the scheduled date for examination and shall immediately advise the Executive Director when that examination has been completed. The report shall advise the Board as to whether Respondent poses a danger to the public's health, safety and welfare, including whether the conditions set forth above in paragraph 1 regarding a third person observer should be required to protect the public's health, safety and welfare.

3. Any failure to comply with the provisions of this consent order shall be grounds for the Attorney General to apply for a summary hearing before the Board or any three members of this Board as the President may designate for this purpose on three days notice to Respondent or to his attorney. The proof at such hearing shall be limited to the issue of whether this consent order has been violated and any evidence in mitigation of sanction. Upon proof by a preponderance of the evidence of a material violation of this consent order, the Board members hearing the matter may summarily suspend or limit Respondent's license to practice chiropractic pending a review by the full Board.

4. The Board and Respondent shall agree to act as expeditiously as reasonably possible to carry out the psychological evaluation and the Board's review thereof. It is agreed that if a final decision is not rendered by this Board by November 18, 1993, Respondent may on 10 days notice in writing to the Board, terminate the third party observer provided for in this consent order.

5. Nothing in this consent order shall be interpreted to prevent the Board from taking any action it may otherwise have the authority to take pursuant to law, including following normal procedures to take disciplinary action pursuant to N.J.S.A. 45:1-21 et seq. In addition, the results of the psychological evaluation, including but not limited to any report that the Board does not have sufficient information upon which to make

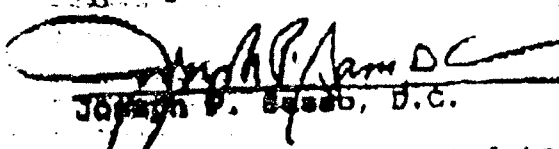
a recommendation to the Board, shall not be dispositive but may be used in evidence by either the Board or Respondent.

NEW JERSEY STATE BOARD OF
CHIROPRACTIC EXAMINERS

By: 


Alfred Davis, D.C.
Board President

I have read the within Consent Order and agree to be bound by its terms. I consent to its entry by the State Board of Chiropractic Examiners.


Joseph P. Russo, D.C.

This Order is consented to as to form and entry.

RUSO, FOSTER, SECARE AND FORD


EVI Steven Secare, Esq.
Attorney for Respondent